

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA  
CIVIL DOCKET ENTRIES FOR CASE A03-0052--CV (RRB)  
"RONALD E. ZUBER V APC NATCHIQ INC"

Including terminated parties, excluding terminated counsel

Presiding Judge: The Honorable Ralph R. Beistline, U.S. District Judge  
Magistrate Judge:

Referral Rule:

Filed: 10/18/02

Closed: 01/08/04

Jurisdiction: (3) Federal Question (US Govt not a Party)

PLF Diversity:

DEF Diversity:

Nature of Suit: (710) Fair Labor Standards Act  
28 USC 1446(A)

Origin: (2) Removed from State Court

Demand: 50

Filing fee: Paid \$150.00 on 10/18/02 receipt # 40100174

Trial by: Jury

Parties of Record:

Counsel of Record:

PLF 1.1 ZUBER, RONALD E.

Kenneth L. Covell  
712 8th Avenue  
Fairbanks, AK 99701  
907-452-4377  
FAX 907-451-7802

DEF 1.1 APC NATCHIQ INC

Gregory L. Youngmun  
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Demand: 50  
Filing fee: Paid \$150.00 on 10/18/02 receipt # 40100174  
Trial by: Jury

Document #	Filed	Docket text
2 - 1	10/18/02	DEF 1 Notice of Removal of 4FA-02-02272CI from the State of Alaska, 4th Judicial District.
3 - 1	10/21/02	RRB Order to petitioner subsequent to filing notice of removal. cc: cns1
4 - 1	10/22/02	DEF 1 Answer to Complaint (and Affirmative Defenses).
5 - 1	10/25/02	RRB Minute Order re: initial case stat rpt/case S&P; Rule 16(b) rpt is due w/i 28 days. cc: cns1
6 - 1	11/04/02	DEF 1 Service List (of all parties).
7 - 1	11/07/02	DEF 1 Response to Order to petitioner: Notice of fling state court documents from 4FA-02-2272CI.
8 - 1	11/15/02	PLF 1; DEF 1 Unopposed motion for order accepting first amended complaint w/first amended complaint attached.
9 - 1	11/20/02	RRB Order granting unopposed motion for order accepting first amended complaint (8-1). cc: cns1
10 - 1	11/20/02	PLF 1 Complaint (Amended).
11 - 1	11/25/02	DEF 1 non-opposition to PLF 1; DEF 1 Unopposed motion for order accepting first amended complaint (8-1).
12 - 1	11/27/02	RRB Minute Order re: Rule 16(b) minute order requiring a status report was issued and no timely report was filed. A 16(b) report is due w/in 15 days. cc: cns1
13 - 1	11/27/02	DEF 1 motion to Transfer Venue 28 USC Sections 1391, 1404 w/memorandum of points, declaration of rick owen, declaration of dennis acker attached.
14 - 1	12/02/02	PLF 1 opposition to DEF 1 motion to Transfer Venue (13-1).
15 - 1	12/02/02	PLF 1 Rule 26 (Status) Report.

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16 - 1	12/09/02	RRB Scheduling and Planning Order setting pretrial deadlines: Original discovery 12/14/03; Dispositive motions deadline 08/18/03; Estimate of trial 3 days; TBJ. cc: cns1
17 - 1	12/10/02	DEF 1 reply to opposition to DEF 1 motion to Transfer Venue 28 USC Sections 1391 (13-1), w exhibit A attached.
18 - 1	12/13/02	DEF 1 Notice of Filing Original Declaration of Christopher Boyle.
19 - 1	02/24/03	RRB Order granting motion to Transfer Venue 28 USC Sections 1391, 1404 (13-1). cc: cns1, Fairbanks Clerk
NOTE - 1	02/25/03	Transferred in from F02-0015--CV
20 - 1	02/25/03	Clerk's Notice: F02-015CV(RRB) Transferred from Fairbanks to Anchorage, all pleadings filed in this action should contain case number A03-0052CV(RRB). cc: cns1
21 - 1	02/25/03	DEF 1 Answer (Amended) and affirmative defenses to plf's first amended complaint.
22 - 1	03/03/03	PLF 1 motion for leave to file second amended complaint w/att second amended complaint.
23 - 1	03/06/03	DEF 1 non-opposition to PLF 1 motion for leave to file second amended complaint (22-1)
24 - 1	03/10/03	RRB Order granting motion for leave to file second amended complaint (22-1). cc: cns1
25 - 1	03/10/03	PLF 1 Complaint (Second Amended).
26 - 1	03/11/03	PLF 1 motion demand for payment pursuant to AS 23.05.140.
27 - 1	03/17/03	DEF 1 motion to strike plf's demand for payment.
28 - 1	03/27/03	PLF 1 opposition to DEF 1 motion to strike plf's demand for payment (27-1).
29 - 1	04/02/03	DEF 1 Unopposed motion for ext of time until 4/9/03 to file a reply to plf's opposition to motion to strike plf's demand for payment.
29 - 2	04/03/03	RRB Order granting unopposed motion for ext of time until 4/9/03 to file a reply to plf's opposition to motion to strike plf's demand for payment (29-1). cc: cns1
30 - 1	04/07/03	DEF 1 reply to opposition to DEF 1 motion to strike plf's demand for payment (27-1).
31 - 1	04/14/03	RRB Minute Order granting motion to strike plf's demand for payment (27-1); Notwithstanding, it is understood that p[lf's demand for payment pursuant to AS 23.05.140 (dkt 26) has been made. cc: cns1
32 - 1	05/20/03	PLF 1 Stipulation to dismiss claims barred by statutes of limitations, each side to bear their own costs and attorney fees.

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33 - 1	05/22/03	RRB Order granting stipulation to dismiss claims barred by statutes of limitations as stated (32-1). Each side to bear its own costs and attorney's fees. cc: cns1
34 - 1	06/02/03	DEF 1 Final Witness List.
35 - 1	06/23/03	PLF 1 Unopposed motion to accept late filing of final witness list w/att final witness lists.
35 - 2	06/30/03	RRB Order granting unopposed motion to accept late filing of final witness list (35-1). cc: cns1
36 - 1	06/30/03	PLF 1 Final Witness List.
37 - 1	07/31/03	DEF 1 motion for partial summary judgment re: breach of contract w/att exhs.
38 - 1	08/01/03	DEF 1 motion for partial summary judgment re: compensability of travel time w/att exhibits.
39 - 1	08/01/03	DEF 1 motion for partial summary judgment re: statute of limitations w/att aff & exhs.
40 - 1	08/18/03	DEF 1 Stipulation for extension of time until 9/8/03 to complete all discovery and until 9/26/03 to file dispositive motion.
41 - 1	08/18/03	PLF 1 motion for extension of time until 9/12/03 to respond to def's motions for summary judgment.
40 - 2	08/19/03	RRB Order granting stipulation for extension of time until 9/8/03 to complete all discovery (40-1), & setting the following dates: Discovery to close 09/08/03; Dispositive motions deadline 09/26/03. cc: cns1
42 - 1	08/19/03	RRB Order granting motion for extension of time until 9/12/03 to respond to def's motion for summary judgment (41-1). cc: cns1
43 - 1	08/20/03	DEF 1 non-opposition to plf's mot for extension of time to respond to def's motions for sj.
44 - 1	08/21/03	PLF 1 motion for partial summary judgment w/att memo & exhs.
45 - 1	08/21/03	PLF 1 Notice of filing unsigned affidavit of Ronald E. Zuber concerning plf's motion for partial summary judgment.
46 - 1	08/21/03	PLF 1 Unsigned Affidavit of Ronald E. Zuber re: PLF 1 motion for partial summary judgment (44-1).
47 - 1	08/21/03	PLF 1 Affidavit of Kenneth L. Covell re: PLF 1 motion for partial summary judgment (44-1) w/attachments
48 - 1	08/25/03	PLF 1 opposition to DEF 1 motion for partial summary judgment re: breach of contract (37-1).
49 - 1	08/25/03	PLF 1 Notice of filing signed affidavit of Roanld E. Zuber re: plf's mot for partial summary judgment.

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50 - 1	08/25/03	PLF 1 Affidavit re: PLF 1 motion for partial summary judgment (44-1) w/attachments.
51 - 1	09/02/03	PLF 1 Second certificate of svc re: PLF 1 motion for partial summary judgment (44-1).
52 - 1	09/04/03	RRB Minute Order that an ans to the second amended cmplt has not been fld; require an ans immediately. cc: cns1
53 - 1	09/08/03	DEF 1 reply to opposition to DEF 1 motion for partial summary judgment re: breach of contract (37-1) w/att exh.
54 - 1	09/08/03	DEF 1 Request for Oral Argument re: DEF 1 motion for partial summary judgment re: breach of contract (37-1).
55 - 1	09/08/03	DEF 1 Stipulation for extension of time until 9/12/03 for defendant to file a reply to the motion for patial sj re breach of contract claims and until 9/16/03 to file an opposition to plf's motion for partial summary judgment.
56 - 1	09/08/03	PLF 1 motion for leave to file Third Amended Complaint w/att Third Amended Complaint.
57 - 1	09/08/03	PLF 1 motion for permission to file papers in Fairbanks.
58 - 1	09/08/03	DEF 1 Answer to Second Amended Complaint.
55 - 2	09/09/03	Order granting stipulation for extension of time until 9/12/03 for defendant to file a reply to the motion for sj re: breach of contract and until 9/16/03 to file a reply to the mot for sj (55-1). cc: cns1
59 - 1	09/11/03	DEF 1 non-opposition to PLF 1 motion for permission to file papers in Fairbanks (57-1).
60 - 1	09/15/03	RRB Order granting motion for permission to file papers in Fairbanks (57-1). cc: cns1
61 - 1	09/15/03	PLF 1 Unopposed motion for extension of time until 9/18/03 to file opposition to def's travel time and statute of limitations motions.
61 - 2	09/16/03	Order granting unopposed motion for extension of time until 9/18/03 to file opposition to def's travel time and statute of limitation motions (61-1). cc: cns1
62 - 1	09/16/03	DEF 1 motion cross-motion for summary judgment w/att exhs.
62 - 2	09/16/03	DEF 1 opposition to PLF 1 motion for partial summary judgment (44-1) w/att memo & exhs.
63 - 1	09/16/03	DEF 1 Amended Final Witness List.
64 - 1	09/17/03	RRB Order re: a hearing regarding motion for partial summary judgment re: breach of contract is set set for 10/9/03 at 3:30 p.m. cc: cns1
65 - 1	09/17/03	DEF 1 limited opposition to PLF 1 motion for leave to file Third Amended Complaint (56-1).

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66 - 1	09/18/03	PLF 1 Limited non-opposition to request for oral argument on def's mot for partial sj on breach of contract. Plf is not opposed to o/a on all mots in this case.
67 - 1	09/18/03	PLF 1 cross motion for summary judgment of the issues of willfulness and good faith.
68 - 1	09/18/03	PLF 1 opposition to DEF 1 motion for partial summary judgment re: statute of limitations w/att aff & exhs (39-1), w exhibits 1 - 5 in support.
68 - 2	09/18/03	PLF 1 Memoorandum in support re: PLF 1 cross motion for summary judgment of the issues of willfulness and good faith (67-1), w exhibits 1 - 5 attached.
69 - 1	09/18/03	PLF 1 cross motion for summary judgment on the compensability of "travel time".
70 - 1	09/18/03	PLF 1 opposition to DEF 1 motion for partial summary judgment re: compensability of travel time (38-1), w attached exhibits A-D.
70 - 2	09/18/03	PLF 1 Memorandum in support re: PLF 1 motion for summary judgment on the compensability of "travel time" (69-1) w exhibits A-D attached.
71 - 1	09/19/03	PLF 1 Notice of flinf unsigned affidavit of Ronald Zuber in support of Motions at dkt 67 and 69.
72 - 1	09/23/03	PLF 1 Affidavit of Michael Day.
73 - 1	09/26/03	PLF 1 Notice of Filing Signed Affidavits (in Support of Docket #69).
74 - 1	09/26/03	PLF 1 motion for Consolidated Oral Argument on Motions.
75 - 1	09/30/03	RRB Minute Order granting motion for Consolidated Oral Argument on Motions (74-1). Oral argument scheduled for 10/9/03 is vacated and is reset for 10/31/03 at 1:30 p.m. in a courtroom to be determined. Counsel for plf may attend telephonically. cc: cnsl
76 - 1	09/30/03	DEF 1 Stipulation for extension of time until 10/6/03 to file defendant's opposition and reply to plaintiff's cross-motion for summary judgment on the Compensability of Travel time and plaintiff's opposition to motion for partial summary judgment re: Compensability of travel time and to plaintiff's cross-motion for summary judgment on the issue of willfulness and good faith and plf's opposition to motion for summary judgment re: statute of limitations.
77 - 1	09/30/03	DEF 1 motion to strike affidavit of Kenneth Covell w/att memo.
76 - 2	10/01/03	RRB Order granting stipulation for extension of time until 10/6/03 to file defendant's combined opposition and reply and plaintiff's oppo to the motions for sj (76-1). cc: cnsl
78 - 1	10/02/03	DEF 1 reply to opposition to DEF 1 motion for partial summary judgment re: compensability of travel time (38-1).
78 - 2	10/02/03	DEF 1 opposition to PLF 1 cross motion for summary judgment on the compensability of "travel time" (69-1).

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79 - 1	10/03/03	DEF 1 reply to opposition to DEF 1 motion for partial summary judgment re: statute of limitations (39-1).
79 - 2	10/03/03	DEF 1 opposition to PLF 1 cross motion for summary judgment of the issues of willfulness and good faith (67-1).
79 - 3	10/03/03	DEF 1 motion (cross) for partial summary judgment re: good faith defense.
80 - 1	10/06/03	PLF 1 Unopposed motion to reschedule oral argument currently set for 10/31/03 at 1:30 p.m. w/att exh.
81 - 1	10/06/03	PLF 1 Unopposed motion to enlarge time until 10/17/03 to file opposition to cross-motion for summary judgment w/att exh.
82 - 1	10/07/03	PLF 1 (Limited) non-opposition to DEF 1 motion to strike affidavit of Kenneth Covell (77-1).
83 - 1	10/08/03	RRB Minute Order terminating in light of this order: unopposed mot to reschedule O/A currently set for 10/31/03 (80-1); O/A on pend mots for 10/31/03 is VACATED; once all mots become ripe, crt will determine if O/A will be hld. cc: cns1
84 - 1	10/08/03	RRB Order granting unopposed mot to enlarge time until 10/17/03 to file oppo to def's x-mot for SJ re exempt stat (81-1). cc: cns1
85 - 1	10/08/03	PLF 1 reply to opposition to PLF 1 cross motion for summary judgment on the compensability of "travel time" (69-1).
86 - 1	10/08/03	PLF 1 motion to accept late-filed reply to opposition to motion for leave to file third amended complaint w/att prop reply.
87 - 1	10/09/03	RRB Minute Order granting/denying motion for leave to file Third Amended Complaint (56-1). cc: cns1
88 - 1	10/09/03	DEF 1 conditional non-oppo to PLF 1 unopposed mot to reschedule o/a currently set for 10/31/03 at 1:30 p.m. (80-1), PLF 1 unopposed mot to enlarge time until 10/17/03 to file oppo to cross-mot for sj (81-1).
89 - 1	10/09/03	DEF 1 motion for status conference.
90 - 1	10/09/03	PLF 1 Complaint (3rd Amended).
91 - 1	10/14/03	PLF 1 reply to opposition to PLF 1 motion for partial summary judgment (44-1).
91 - 2	10/14/03	PLF 1 opposition to DEF 1 motion cross-motion for summary judgment (62-1).
93 - 1	10/16/03	PLF 1 Affidavit in Support of Opposition to DEF 1 motion cross-motion for summary judgment (62-1).
92 - 1	10/17/03	PLF 1 reply to opposition to PLF 1 cross motion for summary judgment of the issues of willfulness and good faith (67-1).
92 - 2	10/17/03	PLF 1 opposition to DEF 1 motion (cross) for partial summary judgment re: good faith defense. (79-3)

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94 - 1	10/22/03	DEF 1 reply to opposition to DEF 1 motion cross-motion for summary judgment (62-1).
95 - 1	10/23/03	DEF 1 Errata re: Reply to plf's opposition to DEF 1 motion for partial summary judgment re: statute of limitations (39-1), opposition to PLF 1 cross motion for summary judgment of the issues of willfulness and good faith. (67-1), memo in support of DEF 1 motion (cross) for partial summary judgment re: good faith defense (79-3).
96 - 1	10/24/03	DEF 1 reply to opposition to DEF 1 motion (cross) for partial summary judgment re: good faith defense (79-3).
97 - 1	11/07/03	RRB Minute Order re: Plf is required to take action as to case not at issue. An answer to the third amended complaint is due immediately. cc: cns1
98 - 1	11/12/03	RRB Order re: Status conference is set for 11/25/03 at 1:30 p.m. in Courtroom #3. cc: cns1
99 - 1	11/12/03	RRB Order granting motion to strike affidavit of Kenneth Covell (77-1). cc: cns1
100 - 1	11/12/03	DEF 1 Answer to Third Amended Complaint.
100A- 1	11/12/03	not used.
101 - 1	11/18/03	RRB Minute Order re: the time for the status hearing set for 11/25/03 is changed from 1:30 p.m. to 11:00 a.m. in courtroom #3. cc: cns1
102 - 1	11/25/03	RRB Court Minutes [ECR: Elisa Singleton] Status conference held 11/25/03. Def counsel to file a dispositive mot re taxability and entitlement to discovery w/in 30 days, plf to respond. cc: cns1
103 - 1	12/11/03	DEF 1 motion to dismiss plf's damages claim re: income tax liability w/att exhs.
104 - 1	12/23/03	PLF 1 Unopposed motion to continue due date of plaintiff's opposition to defendant's motion to dismiss plaintiff's damages claim re: Income tax liability to 01/16/04.
NOTE - 2	12/29/03	Notation: Notice of Non-compliance issued re docket 104.
104 - 2	12/29/03	Order granting Unopposed motion to continue due date of plaintiff's opposition to (104-1) cc: cns1
105 - 1	01/08/04	RRB Order denying as moot motion for partial summary judgment re: breach of contract (37-1), motion for partial summary judgment re: compendability of travel time (38-1), motion for partial summary judgment re: statute of limitations (39-1), motion for partial summary judgment (44-1), motion for summary judgment of the issues of willfulness and good faith (67-1), motion for summary judgment on the compensability of "travel time" (69-1), motion (cross) for partial summary judgment re: good faith defense (79-3), motion to dismiss plf's damages claim re: income tax liability (103-1); granting motion cross-motion for summary judgment (62-1). The courts ruling is dispositive any/all remaining motions and/or matters are denied as moot & this case and/or matter is closed. cc: cns1



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106 - 1	01/08/04	RRB Judgment that def's cross-motion for summary judgment is granted. Plf's overtime wage claims must be dismissed as a matter of law. cc: cns1, O&J 11603
NOTE - 3	02/06/04	Transmittal: Forwarded notice of appeal (107-1) to 9CCA w/CADS & Representation Statement.
107 - 1	02/06/04	PLF 1 appeal to 9CCA of (106-1) filed 01/08/04. cc:cns1, Judge Beistline, 9CCA
108 - 1	02/06/04	PLF 1 Notice Re Ordering Transcript. Appellant does not intend to order any transcripts.
109 - 1	03/19/04	Cy 9CCA Time Schedule Order. (107-1) cc:cns1, ECRs
110 - 1	04/11/05	DEF 1 Stipulation for substitution of counsel that the firm of Delisio Moran Geraghty & Zobel may withdraw as counsel for def and Gregory L. Youngmun be substituted.
110 - 2	04/11/05	RRB Order granting stipulation for substitution of counsel that the firm of Delisio Moran Geraghty & Zobel may withdraw and Gergory L. Youngman be substituted (110-1). cc: cns1
NOTE - 4	05/16/05	Transmittal: Forwarded D.C. record to 9CCA consisting of 4 original files and expandos w/dkts 44,62 & 68.
111 - 1	05/16/05	Cy 9CCA Certificate of Record. (107-1) cc: cns1, Judge Beistline, 9CCA (original)
112 - 1	08/31/05	RRB Minute Order pursuant to 9CCA instructions; partial SJ is entered in favor of plf; for purposes of this litigation; plf is to be considered a non-exempt employee under AWhA. cc: cns1
113 - 1	09/13/05	9CCA Judgment/Final Order re: notice of appeal (107-1) that the district court's decision is REVERSED and REMANDED with instructions to enter sj for Zuber. Cost taxed for the plf and against the def in the amt of \$413.50 w/att bill of costs & memo. cc: cns1, Judge Beistline
114 - 1	11/04/05	RRB Minute Order re Appeal. The parties shall file a status report by 11/18/05 re the recent grant of sj 9CCA decision. cc: cns1
115 - 1	11/23/05	PLF 1 Report re: stat; parties agree to undertake mediation.
116 - 1	12/21/05	DEF 1 Joint motion to file settlement documents under seal.
117 - 1	12/21/05	{SEALED}
118 - 1	12/21/05	RRB Order granting stipulation Joint motion to file settlement documents under seal (116-1) cc: Cns1
119 - 1	12/21/05	RRB Order granting stipulation Joint motion to approve settlement of claims (117-1) cc: Cns1